

BILL NO. Z-87-03-26

ZONING MAP ORDINANCE NO. Z-01-88

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. F-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-1-B (Limited Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Tract 2

That part of a parcel of land in the Northwest Quarter
of Section 8, Township 30 North, Range 12 East, in
Allen County, Indiana, more particularly described as
follows:

Beginning at a point on the North Line of Section 8,
Township 30 North, Range 12 East, 164.5 feet west of
its intersection by the centerline of the Reckeweg
Road; thence South parallel with said centerline, a
distance of 315 feet; thence West parallel with said
North Line of Section 8, a distance of 96 feet; thence
North parallel with said centerline of the Reckeweg
Road, a distance of 315 feet to a point in said North
Line of Section 8; thence East on said North line of
Section 8 a distance of 96 feet to the Point of
Beginning; containing 0.694 acres of land, more or
less, subject to all legal roads and highways.

Tract 1

That part of the Northwest 1/4 of the Northwest 1/4 of
Section 8, Township 30 North, Range 12 East, in Allen
County, Indiana, more particularly described as
follows, to-wit:

Beginning at the intersection of the center line of
Reckeweg Road and the North line of the aforesaid
Section 8, Township 30 North, Range 12 East; thence
South on said center line of the Reckeweg Road a
distance of 245 feet; thence West parallel with said
North line of said Section 8, a distance of 164.5 feet;
thence North parallel with the said center line of said
Reckeweg Road a distance of 245 feet to a point in said
North line of said Section 8; thence East on said North
line of said Section 8 a distance of 164.5 feet to the
point of beginning, containing .925 acres of land, more
or less, together with an easement for drain as shown
recorded in Book 501, page 352, in the Office of the
Recorder of Allen County, Indiana.

Subject to all restrictions, limitations and easements
of record, as well as all road rights-of-way.

1 and the symbols of the City of Fort Wayne Zoning Map No. F-
2 2, as established by Section 11 of Chapter 33 of the Code of
3 the City of Fort Wayne, Indiana are hereby changed
4 accordingly.

5 SECTION 2. That this Ordinance shall be in full force
6 and effect from and after its passage and approval by the
7 Mayor.

8 
COUNCILMEMBER

9 APPROVED AS TO FORM AND LEGALITY:

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11 BRUCE O. BOXBERGER, CITY ATTORNEY
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FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Bradbury, seconded by Ernst, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: 3-24-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by John, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>STIER</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 1-26-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-01-88
on the 26th day of January, 1988,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Thomas E. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of January, 1988, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 3rd day of February, 1988, at the hour of 9:40 o'clock A.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 1174

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.,

19

RECEIVED FROM

THE SUM OF

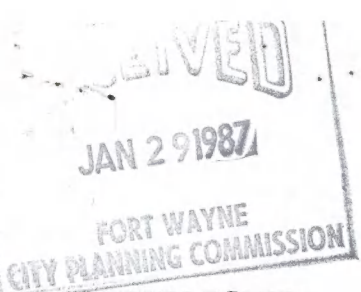
ON ACCOUNT OF

\$

DOLLARS

100

AUTHORIZED SIGNATURE



RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We PAUL J. GRIMMER and EVELYN M. GRIMMER, husband and wife

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an RA & R#3 District to a/an B1B District the property described as follows:

SEE REVERSE SIDE FOR LEGAL DESCRIPTION

Tract 1- 50 Illinois Rd. now zoned R-3
Tract 2- 5005 Illinois Rd. now zoned RA

(Legal Description - If additional space is needed, use reverse side.)

ADDRESS OF PROPERTY IS TO BE INCLUDED: 50 and 5005 Illinois Rd.
Fort Wayne, Indiana 46804

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Paul J. Grimmer 6305 Homestead Rd. Ft. Wayne, Ind. 46804

Evelyn M. Grimmer "

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

John E. Williams Jr. 323 W. Berry, Ft. Wayne 422-3436

(Name)

(Address & Zip Code)

(Telephone No.)

COMMUNITY DEVELOPMENT AND PLANNING/Division of Long Range Planning & Zoning and CITY PLAN COMMISSION/Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (Telephone: 219/427-1140).

Applicants, property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

TRACT 2

That part of a parcel of land in the Northwest Quarter of Section 8, Township 30 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Beginning at a point on the North Line of Section 8, Township 30 North, Range 12 East, 164.5 feet west of its intersection by the centerline of the Reckeweg Road; thence South parallel with said centerline a distance of 315 feet; thence West parallel with said North Line of Section 8, a distance of 96 feet; thence North parallel with said centerline of the Reckeweg Road, a distance of 315 feet to a point in said North Line of Section 8; thence East on said North Line of Section 8 a distance of 96 feet to the Point Of Beginning; containing 0.694 acres of land, more or less, subject to all legal roads and highways.

TRACT 1

Legal description of real estate. That part of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 8, Township 30 North, Range 12 East, in Allen County, Indiana, more particularly described as follows, to-wit:

Beginning at the intersection of the center line of Reckeweg Road and the North line of the aforesaid Section 8, Township 30 North, Range 12 East; thence South on said center line of the Reckeweg Road a distance of 245 feet; thence West parallel with said North line of said Section 8, a distance of 164.5 feet; thence North parallel with the said center line of said Reckeweg Road a distance of 245 feet to a point in said North line of said Section 8; thence East on said North line of said Section 8 a distance of 164.5 feet to the point of beginning, containing .925 acres of land, more or less, together with an easement for drain as shown recorded in Book 501, page 352, in the office of the Recorder of Allen County, Indiana.

Subject to all restrictions, limitations and easements of record, as well as all road rights-of-way.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 24, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-03-26; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 16, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

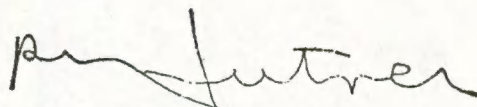
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 26, 1987.

Certified and signed this
29th day of October 1987.



Robert Hutner
Secretary

BILL NO. Z -87-03-26

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City
of Fort Wayne Zoning Map No. F-2

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) Do Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
Mark E. GiaQuinta CHAIRPERSON
Charles B. Redd MARK E. GIAQUINTA
David C. Long VICE CHAIRMAN
Paul M. Burns CHARLES B. REDD
DAVID C. LONG
PAUL M. BURNS

CONCURRED IN 1-26-88

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

*return to
Plan Commission.*

BILL NO. Z-87-03-26

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort
Wayne Zoning Map No. F-2

Asking for *Pet. had ~~not~~ ~~met~~*
failed to meet
conditions placed
on cond. approv.
3/87
Notified - failed
to appear Sept 28
Do Not Pass

*Notice
revised*

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

YES

NO

JANET G. BRADBURY
CHAIRPERSON

CHARLES B. REDD
VICE CHAIRMAN

THOMAS C. HENRY

PAUL M. BURNS

BEN A. EISBART

CONCURRED IN _____

SANDRA E. KENNEDY
CITY CLERK



THE CITY OF FORT WAYNE

LAND USE MANAGEMENT

Division of Community Development & Planning

5 January 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Re: Bill No. Z-87-03-26

Gentlemen and Mrs. Bradbury:

At the City Plan Commission meeting held December 28, 1987, the Commission reviewed, at Common Council's request, (letter dated November 12, 1987) the recommendation of Do Not Pass for the above referenced Bill.

The Commission was informed that the petitioner had now met all of the conditions placed on said Bill and a new motion of Do Pass was approved.

We are therefore returning the rezoning to the Common Council for final disposition with a DO PASS recommendation.

Sincerely,

CITY PLAN COMMISSION

Certified and signed this
5th day of January 1988.

Robert Huthner
Secretary



THE CITY OF FORT WAYNE

November 12, 1987

City Plan Commission
8th Floor
City-County Bldg.
Fort Wayne, IN 46802

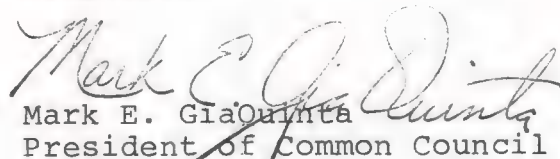
Dear Mr. Baeten:

At the Common Council meeting of November 10, 1987, the attorney for the petitioner John E. Williams Jr., appeared before us stating that he was not properly notified by the Plan Commission regarding the meeting of September 24, 1987, at that time Bill No. Z-87-03-26, was discussed. The bill received a "Do Not Pass" recommendation by the Plan Commission.

Therefore, Mr. Williams asked if Common Council would return the above mentioned bill back to the City Plan Commission for reconsideration.

We would appreciate your kind attention regarding Bill No. Z-87-03-26.

Sincerely,


Mark E. GiaQuinta
President of Common Council

FACT SHEET

Z-87-03-26

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From RA & R3 to B-1-B

DETAILS**Specific Location and/or Address**

5005 Illinois Road

Reason for Project

To legitimize a business office being operated on property.

Discussion (Including relationship to other Council actions)16 March 1987 - Public Hearing

John Williams, attorney representing the petitioners Paul & Evelyn Grimmer stated that the parcel in question consists of two lots situated on the southwest corner of Reckeweg Road and Illinois Road. He stated that the very corner lot is vacant and the second lot is occupied by what was originally built as a single family residence, now being used as a CPA office. He stated that the necessity to rezone and the zoning classification has been arrived at through discussions with the staff. He stated it was their understanding that this was the most appropriate classification for this particular parcel of real estate. He stated that they are aware of the staff's recommendations and the requirements that would be placed on the zoning for the access road and screening. He stated that on behalf of his clients they accept the recommendation of the staff.

Baron Biedenweg questioned if it was anticipated that they would have any access onto Reckeweg Road.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**Paul & Evelyn Grimmer
City Department

Other

Opponents**Groups or Individuals****Basis of Opposition****Staff
Recommendation**☐ For☒ Against

Original Recommendation was "conditional approval, but the applicant did not comply with conditions within given six months."

Reason Against**Board or
Commission
Recommendation**

By

☐ For☒ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

Mr. Williams stated that if the access road goes in it will access off of Reckeweg. He stated they will lose their access on Illinois Road as they understand.

Edith Kenna questioned what they have planned for the vacant lot.

Mr. Williams stated they had no plans at that time.

Edith Kenna questioned if that was why the staff recommended B-1-B instead of POD.

V.C. Seth stated that up and down Illinois Road there is only one location of a POD the rest of the zonings are either B-1-B or B-3-B. He stated that it could go to POD, but the last time the Commission was reluctant to give a POD on an existing house that was to be used for offices. He stated the Commission wanted new buildings built, and that was the reason the staff recommended B-1-B. He stated if the Commission feels a POD is more appropriate the staff would be willing to go along.

Edith Kenna stated that although the Commission was reluctant they did vote for the POD and wondered if the POD was working out on the other property mentioned.

Wayne O'Brien stated that the POD on Illinois Road did meet the conditions placed on the rezoning and the rezoning request was returned to Commission for a recommendation of do not pass.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

26 October 1987 - Business Meeting

At this meeting the Commission had been requested to reconsider its recommendation of DO NOT PASS which was given to this request at the September 28, 1987 business meeting, due to the fact that the petitioners failed to meet the conditions placed upon the request within the six months allotted. The petitioner was notified of the meeting on September 28, 1987 but failed to appear.

The petitioner had been given a conditional approval on March 23, 1987.

Motion was made not to reconsider the DO NOT PASS recommendation but to allow the ordinance to be forwarded to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the eight (8) members present 7 voted in favor of the motion, one (1) did not vote.

Project Start

Date 29 January 1987

Projected Completion or Occupancy

Date 29 October 1987

Fact Sheet Prepared by

Patricia Biancaniello

Date 29 October 1987

Reviewed by

Reference or Case Number

Date

10/30/87

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 5005 Illinois Road

3-87-03-26

EFFECT OF PASSAGE Property is presently zoned RA - Suburban Residential &

R-3 - Multi Family Residential. Property will become B-1-B - Limited Business District

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential &

R-3 - Multi Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

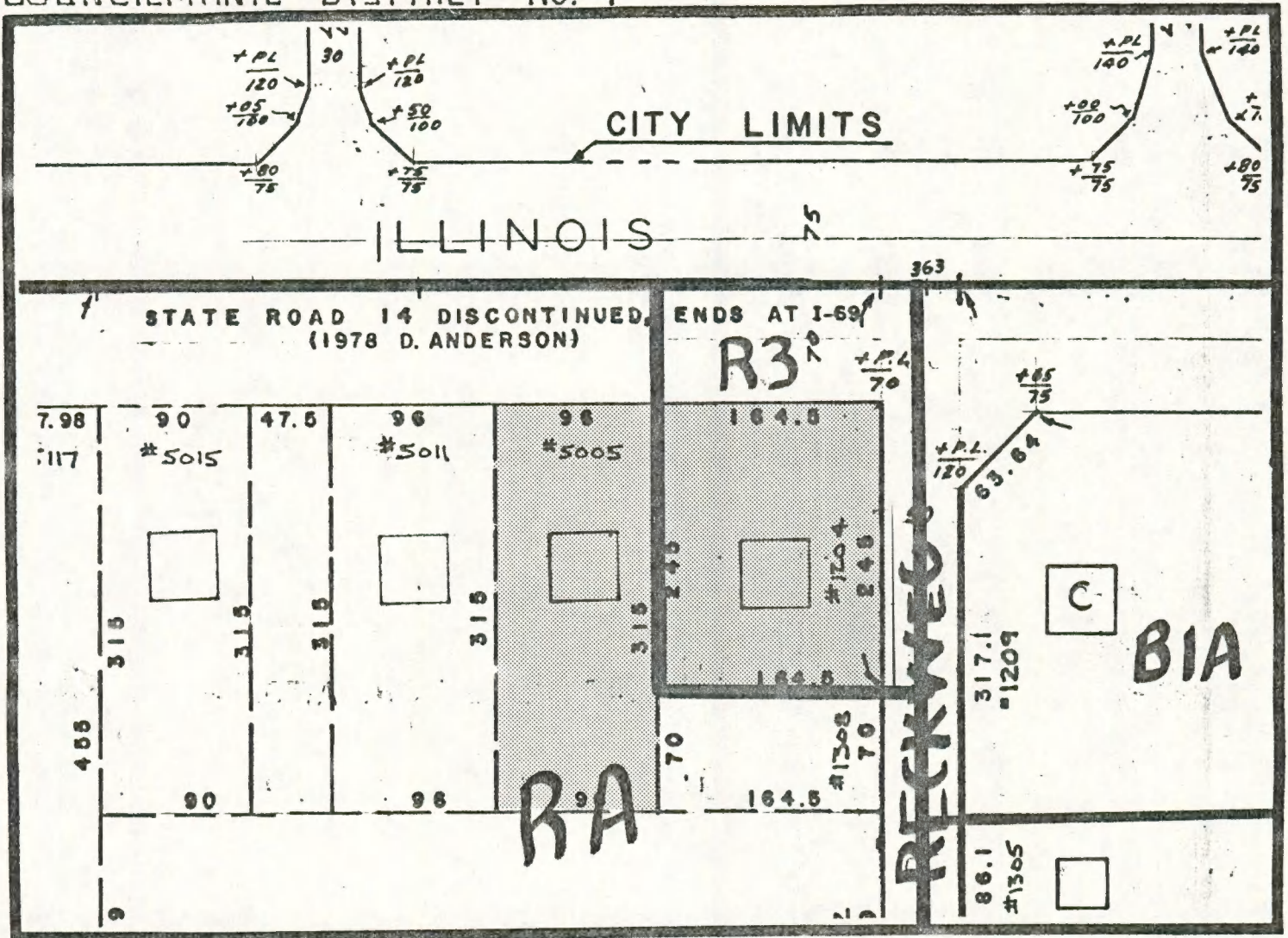
(ASSIGN TO COMMITTEE (J.N.) _____

REZONING PETITION #356

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RA & R3 DISTRICT TO AN B1B DISTRICT.

MAP NO. F-2

COUNCILMANIC DISTRICT NO. 4



ZONING:

RA RESIDENCE 'A'
R3 RESIDENTIAL DISTRICT
B1A LIMITED BUSINESS 'A'

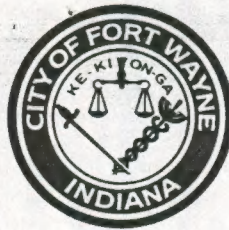
LAND USE:

☐ SINGLE FAMILY
☒ COMMERCIAL

SCALE: 1"=100'

DATE: 9-27-87





THE CITY OF FORT WAYNE

November 12, 1987

City Plan Commission
8th Floor
City-County Bldg.
Fort Wayne, IN 46802

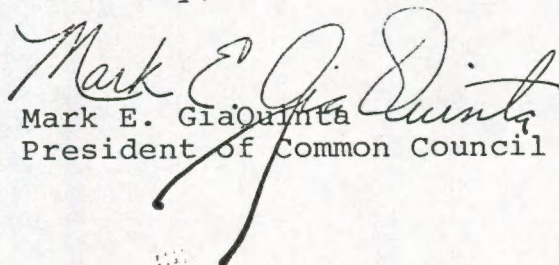
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Therefore, Mr. Williams asked if Common Council would return the above mentioned bill back to the City Plan Commission for reconsideration.

We would appreciate your kind attention regarding Bill No. Z-87-03-26.

Sincerely,


Mark E. Glavin
President of Common Council